

REMARKS

Claims 1, 13, 20 and 21 have been amended. Claims 3, 8, 10, 14, 15, 17 and 19 have been canceled. Claims 1, 2, 4-7, 9, 11-13, 16, 18 and 20-22 remain in the application.

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Wall. The Applicant traverses this rejection with respect to claim 1.

U.S. Patent Number 5,077,050 to Wall discloses in Figure 5 a device 102 having at least one sidewall 106 which extends from a base 104 to an opposed lid support 108. Three legs 112 extend from the container, and the support end of the legs have “blunt” surfaces in order to penetrate the food item when the device is in the box. The device includes a top cover 116 mounted on the lid support surface of the container. The top cover has a rim extending around the surface of the cover and the rim has an interior lip 133, and the container has a ridge 120 extending from the outer wall, allowing the top cover to interlock with the container. The cover can rotate relative to the lid support surface 108. The cover can have an aperture 128 to dispense the contents of the container 102. Wall ‘050 does not disclose a thin-walled member interconnecting the upper member and leg member, and that each of the detached upper member and detached leg member are operatively related to have a second combined function as a novelty item.

In contradistinction, claim 1 discloses a multifunctional device having a first function for supporting a lid of a container in order to protect an item stored within the container and a second function as a novelty item. The device includes a generally planar upper member, and at least one leg member detachably connected to the upper member by a thin-walled member and projecting from a surface of the upper member. The upper member and the leg member each have a first function together as a lid support when the leg member and the upper member are

attached by the thin-walled member. The detached upper member and detached leg member are operatively related to have a second combined function as a novelty item, after the leg member is detached from the upper member by severing the thin-walled member.

Wall '050 does not disclose, anticipate or otherwise suggest the claimed invention of claim 1. Wall '050 merely discloses a device having a container and a leg attached directly to the container. Wall '050 does not disclose a thin-walled connecting member between the container and the leg. Further, Wall does not disclose that the leg member is detachable from the container by severing the thin-walled member, or that both the detached container and the detached leg member are operatively related to have a second combined function as a novelty item, as disclosed by the Applicant. In fact, Wall teaches away from the detachability of the legs, since the base portion of the container is curved (column 3, line 69). There is simply no teaching in the specification of Wall that the leg member is detachably attached to the upper member by a thin-walled member or that the container and detached leg member are operatively related to have a second function as a novelty item.

The Examiner argues that in Wall the leg can be detached and used for a second purpose, such as a toothpick. However, the Examiner is ignoring a critical limitation, that both the detached upper member and detached leg member are operatively related so that each have a second combined function as a novelty item. Wall simply does not disclose the structure of a thin-walled member between the container and leg member. In fact, if one breaks off the leg of the Wall device, the container is also destroyed. According to MPEP 706.02, for anticipation under 35 U.S.C. §102(b), there must be some teaching in the reference to suggest the support device for a pizza box having a upper member, a leg member and a thin-walled member connecting the leg member to the upper member, and the detached leg member and detached

upper member are operatively related to have a second combined function as a novelty item that is different from their first function as a support device. Any features not taught directly must be inherently present. The Examiner cannot rely on supposition without any factual basis from the specification of Wall. Therefore, the Applicant respectfully submits that claim 1 as amended and the claims dependent therefrom are in a condition for allowance, which allowance is solicited.

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Gould. The Applicant respectfully traverses this rejection with respect to claim 1.

U.S. Patent Number 5,173,070 to Gould discloses a protection device having a first member 20 in the shape of a shallow inverted circular saucer, and a second member surrounding the first member and spaced apart from the first member. The first member is connected to the second member by a plurality of equidistantly spaced webs 24 that are thinner than the first member and second member. One permanent leg projects from the center of the first member, and a plurality of permanent legs project from the second member. The webs are broken to separate the first member from the second member so that the first member has a second use as a child's toy. Gould does not disclose that the legs are connected to either one of the first member or the second member by a thin walled member, or that the legs are detachable when the thin walled member is severed, as disclosed by the Applicant. Gould does not disclose that when the legs are detached from the first member, the detached first member and detached leg member are operatively related to have a second combined function as a novelty item, as disclosed by the Applicant.

Gould does not disclose, anticipate or otherwise suggest the claimed invention of claim 1. Gould merely discloses a device having a first member detachably connected to a second member and a leg projecting from both the first member and the second member. Gould does

not disclose that the leg is detachably connected to the upper member by a connecting means, or that both the detached upper member and detached leg are operatively related to have a second combined function as a novelty item, as taught by the Applicant. Gould is structurally distinguishable from the present invention since a permanently attached leg is not the same structure as a leg detachably connected to the first member by a thin walled member. Gould clearly shows that the first member is detachably interconnected to the second member by spaced webs. There is simply no teaching in the specification of Gould regarding the detachability of the leg from the first or second member, or a reason for detaching the leg. In fact, Gould clearly states in column 2, lines 53-55, "When the second member and first member and the webs are manually manipulated, the members separate. The first member 20 together with prongs 26 constitute a child's toy, a finger flicking flying disc or spinnable top". The leg is clearly necessary to the function of the device taught by Gould.

Therefore, the Applicant respectfully submits that claim 1 and the claims dependent therefrom are in a condition for allowance, which allowance is solicited.

Claims 1, 9 and 20 were rejected one 35 U.S.C. §102(e) as being anticipated by Steck et al. The Applicant traverses this rejection.

U.S. Patent Number 6,694,619 to Steck discloses a disposable food cutting utensil. The utensil includes a first member divided into a portion having a cutting edge 1 and a handle area 2, and a removable second inner member 3. A removable leg 5 projects from the first member.

Steck et al. '619 does not disclose, anticipate or otherwise suggest the claimed invention of claim 1. Steck et al. '619 merely discloses a device having a first member detachably connected to a second member and a leg projecting from the first member. Steck et al. '619 does not disclose that the legs are detachably connected to the first or second member by a thin walled member.

Steck clearly teaches that the first member (including the cutting edge 1 and handle area 2) are detachably connected to a removable element 3 by thin section of material (column 1, lines 42-44). Steck does not teach that the detached legs and detached first member are operatively related to have a second combined function as a novelty item, as taught by the Applicant.

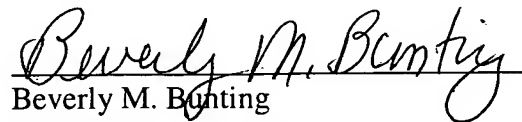
Therefore, the Applicant respectfully submits that claim 1 and the claims dependent therefrom are in a condition for allowance, which allowance is solicited.

Claims 7, 13, 18 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gould in view of Beck. The Applicant traverses this rejection for the reasons set forth above with respect to Gould. Therefore, the Applicant respectfully submits that these claims and the claims dependent therefrom are in a condition for allowance, which allowance is solicited.

The Examiner indicated that claims 2, 4-6, 11, 12, 16 and 22 are allowable.

Based on the above, Applicant submits that the remaining claims are in a condition for allowance, which allowance is respectfully solicited. If the Examiner finds to the contrary, it is respectfully requested that the undersigned in charge of this application be called at the telephone number given below to resolve any remaining issues.

Respectfully submitted,



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